



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Everardo RIVAS-Lugo,

Defendant.

Mag. Case No.

'08 MJ 8390

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326

Deported Alien Found In the United States

The undersigned complainant, being duly sworn, states:

On or about May 7, 2008, within the Southern District of California, defendant Everardo RIVAS-Lugo, an alien, who previously had been excluded, deported, or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 8th DAY OF MAY 2008.

ANTHONY J. BATTAGLIA
United States Magistrate Judge

1
2 UNITED STATES OF AMERICA

3 v.

4 Everardo RIVAS-Lugo

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6 STATEMENT OF FACTS

7 The complainant states that this complaint is based upon the statements of the
8 apprehending Border Patrol Agent, E. De Vries, that the Defendant was found and arrested on
9 May 7, 2008 west of the Calexico, California.

10 Agent De Vries was performing her assigned Border Patrol duties approximately 13 miles
11 west of Calexico, California. Agent De Vries responded to a call from Imperial County Sheriff's
12 Office (ICSO) regarding five suspected illegal aliens in custody. Upon arriving, Agent De Vries
13 identified herself as a United States Border Patrol Agent. Agent De Vries encountered five
14 individuals being detained by ICSO, one later identified as Everardo RIVAS-Lugo. Agent De
15 Vries questioned RIVAS-Lugo and the group as to their immigration status to be in the United
16 States. All of the subjects stated that they were citizens of Mexico and illegally in the United
17 States. RIVAS-Lugo and the other subjects were placed under arrest and transported to the El
18 Centro Border Patrol Station.

19 At the station, record checks revealed an Immigration Judge ordered RIVAS-Lugo
20 deported to Mexico from the United States on July 10, 2007. Record checks also revealed that
21 RIVAS-Lugo has an extensive criminal history.

22 There is no evidence RIVAS-Lugo has sought or received permission from the Attorney
23 General or the Secretary of the Department of Homeland Security to re-enter the United States.
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